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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,208	05/23/2007	Dirk John	1034193-000053	3193

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EXAMINER	
LEE, DOUGLAS S	

ART UNIT	PAPER NUMBER
2121	

NOTIFICATION DATE	DELIVERY MODE
07/21/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
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Office Action Summary	Application No.	Applicant(s)	
	10/581,208	JOHN ET AL.	
	Examiner	Art Unit	
	DOUGLAS S. LEE	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 May 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) *1-3,8 and 17-19* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-7,9-16 and 20-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 June 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/4/2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Applicant's amendments regarding claims 4-7, 9-16, and 20-36, and arguments filed 5/3/2010 have been fully considered but they are not persuasive. Applicant alleges that the reference (Glanzer et al. US 6,424,872) does not teach device specific components interact with at least two functional units. The functional units are configured to store device information used to integrate the field devices into the distributed system. A controller acquires and installs data specific to each device and the functional units that interact with the devices. Based on the install the controller includes means for interacting with each field device in the arrangement. In other words, the controller can perform an automatic install of device data so that the controller can interact with each device in an arrangement of field devices. However, the examiner traverses that statement. According to the col. 5, line 47- col. 6, line 67 and col. 8, lines 60-65, Glanzer et al. state exactly what the applicant is intended to accomplish. The amended claims are broad enough that the claims still can read on the reference. Claims 1-4, 8, and 17-19 have cancelled.

Claim Rejections - 35 USC § 102

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 4-7, 9-16, and 20-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Glanzer et al. (US Pat. 6,424,872).

Regarding claim 34, Glanzer et al. disclose a system for controlling a distributed system comprising an arrangement of plural field devices, wherein each field device is associated with a device-specific component (see col. 6, line 25, link active scheduler 100) and at least one functional unit (see col. 8, lines 60-65); memory that stores device-specific data of each device-

specific component and the at least one functional unit communicates with at least two functional units (see col. 6, lines 55-67); an a controller that communicates with the memory to acquire and install the device specific data, wherein the controller includes means for iteracting with each field device based on the installed device specific data (see col. 5, line 47- col. 6, line 67).

Regarding claim 4, Glanzer et al. disclose wherein at least one of the device-specific functionalities and information which is stored in the functional units is installed by means of an automatically running installation process (see col. 5, line 47- col. 6, line 67).

Regarding claim 5, Glanzer et al. disclose wherein configuration means for installing a communication link between at least one of the field devices and with controller (see col. 12, lines 8-12).

Regarding claim 6, Glanzer et al. disclose network components for installation of the network links for specific communication architecture (see col. 23, line 58-col.26, line 30).

Regarding claim 7, Glanzer et al. disclose wherein the functional units are at least one of device documentation, device core data, device parameters, device drivers, control functions, setting-up functions, diagnosis functions, maintenance functions, optimization functions, alarm processing functions, and life functions (see col. 11, line 61-col. 12, line 67).

Regarding claim 9, Glanzer et al. disclose wherein at least one of device-specific components, at least one configuration tool, and at least one network component are installed selectively (see col. 24, line 65-col. 25, line 8).

Regarding claim 10, Glanzer et al. disclose wherein at least one of drives, motor protection units, switchgear assemblies, sensors, in particular sensors for pressure, temperature

and flow rate measurements, low voltage devices, actuators and analysis devices are used as field devices (see col. 2, lines 25-35).

Regarding claim 11, Glanzer et al. disclose wherein at least one of device-specific functionalities and information is recorded as at least one of data structures and program components in the memory (see col. 10, lines 52-67).

Regarding claim 12, Glanzer et al. disclose wherein the memory is configured to test each device-specific components for at least one of correctness and completeness of at least one of the device- specific functionalities and information (col. 15, line 4).

Regarding claim 13, Glanzer et al. disclose wherein device-specific components can be extended in a modular form (see col. 10, lines 20-24).

Regarding claim 14, Glanzer et al. disclose wherein the distributed system is a distributed automation system (see cols. 1-2).

Regarding claim 15, Glanzer et al. disclose wherein the higher-level system is a process control system or a programmable logic controller (see col. 12, lines 8-10).

Regarding claim 16, Glanzer et al. disclose wherein the field devices communicate with the higher-level control system or controller via a fieldbus protocol which is in the form of at least one of PROFIBUS, PROFINet, FOUNDATION fieldbus, and HART (see cols. 1-2).

Regarding claims 20-33 and 35-36, these method claims are rejected for the same reasons applied above rejected apparatus claims 4-7 and 9-16.

CONCLUSION

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Douglas Lee, whose telephone number is (571) 272-3745. The examiner can normally be reached on Monday-Friday from 8:00AM- 4:30PM.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Albert Decady*, can be reached on *(571) 272-3819 or via e-mail addressed to [Albert Decady@uspto.gov]*. The fax number for this Group is (571) 273-8300.
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**doug.lee@uspto.gov**].
All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that

sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (in USA or CANADA) or 571-272-1000.

/D. S. L./

/Albert DeCady/

Supervisory Patent Examiner, Art Unit 2121